

Message Text

CONFIDENTIAL

PAGE 01 STATE 120243

63

ORIGIN EA-14

INFO OCT-01 ADP-00 CIAE-00 PM-07 H-02 INR-10 L-03 NSAE-00

NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12 EB-11 AID-20

ACDA-19 OMB-01 MC-02 IO-13 COME-00 TRSE-00 /145 R

DRAFTED BY JCS: COL. H. F. MIDDLETON: JCM

6/20/73 EXT. 29402

APPROVED BY EA: WHSULLIVAN

DOD/ISA: DJDOOLIN (DRAFT)

JCS: MGEN. COLLADAY(DRAFT)

EA/ VN: LBASKEW

L/ EA: EGVERVILLE (DRAFT)

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P 201947 Z JUN 73

FM SECSTATE WASHDC

TO AMEMBASSY SAIGON PRIORITY

CNO PRIORITY

CSAF PRIORITY

CINCPAC PRIORITY

USDAO SAIGON PRIORITY

INFO SECDEF

JCS PRIORITY

CSA PRIORITY

CMC PRIORITY

MAC SCOTT AFB PRIORITY

MIL SEALIFT COMD WASHDC PRIORITY

COMUSSAG 7 AF NAKHON PHANOM RTAFB PRIORITY

C O N F I D E N T I A L STATE 120243

E. O. 11652: ADS DECEMBER 31, 1979

TAGS: MARR, VS

SUBJ: CARGO INSPECTION IN THE RVN BY THE ICCS (U)

JOINT STATE DEFENSE MESSAGE

REFS: A. ARTICLE 7 OF THE AGREEMENT ON ENDING THE WAR

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PAGE 02 STATE 120243

- AND RESTORING PEACE IN VIET- NAM;
- B. ARTICLE 7 OF THE PROTOCOL CONCERNING THE
CEASE- FIRE IN SOUTH VIET- NAM AND THE JOINT
MILITARY COMMISSIONS;
- C. JOINT COMMUNIQUE OF JUNE 13, 1973.

THIS MESSAGE IN FIVE PARTS

PART I FOR ALL

1. (U) REFS A AND B MAKE PROVISION FOR THE ENTRY OF
ARMAMENTS, MUNITIONS, AND WAR MATERIAL INTO THE RVN UNDER
THE SUPERVISION AND CONTROL OF THE TWO- PARTY JOINT
MILITARY COMMISSION (TPJMC) AND THE INTERNATIONAL
COMMISSION OF CONTROL AND SUPERVISION (ICCS).

2. (C) IN VIEW OF THE RECENT INCIDENT AT BIEN HOA ON
13 MAY 1973 CONCERNING CARGO INSPECTION BY THE ICCS, THE
FOLLOWING POLICY GUIDANCE ON THIS SUBJECT IS PROVIDED:

- A. INSPECTION AND SUPERVISION BY THE ICCS AND TPJMC
OF CONTROLLED OR UNCONTROLLED ITEMS DESTINED
FOR DELIVERY TO A CONSIGNEE IN THE RVN OR CARGO
LEAVING THE RVN SHOULD BE ACCOMPLISHED BY
EXAMINATION OF THE CARGO AND SHIPPING DOCUMENTS
AFTER OFFLOAD OR PRIOR TO ONLOAD OF THE VESSEL
OR AIRCRAFT TRANSPORTING THESE ITEMS.
- B. TRANSIENT VESSELS OR AIRCRAFT TRANSPORTING CARGO
NOT DESTINED FOR DELIVERY TO A CONSIGNEE IN THE
RVN ARE NOT SUBJECT TO INSPECTION BY THE ICCS
OR TPJMC TEAMS. THEREFORE, REQUESTS BY THE
ICCS OR TPJMC FOR ACCESS TO TRANSIENT U. S.
VESSELS OR AIRCRAFT, INCLUDING MANIFESTS,
TRANSPORTING CARGO CONSIGNED TO DESTINATIONS
OTHER THAN THE RVN WILL BE DENIED.
- C. PRIOR NOTIFICATION TO THE ICCS AND TPJMC OF THE
IMPENDING ENTRY INTO THE RVN OF ITEMS DESTINED
FOR DELIVERY TO A CONSIGNEE IN THE RVN IS
ESSENTIAL TO FACILITATE INSPECTION. SIMILARLY,
ADVANCE NOTIFICATION TO THE ICCS AND TPJMC OF
ITEMS BEING SHIPPED OUT OF THE RVN IS ESSENTIAL.
- D. IF, AFTER LOADING CARGO FOR SHIPMENT OUT OF THE

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PAGE 03 STATE 120243

RVN BUT PRIOR TO DEPARTURE OF THE VESSEL OR
AIRCRAFT, UNFORESEEN CIRCUMSTANCES DEVELOP
WHEREIN THE ICCS OR TPJMC FORMALLY REQUEST TO
INSPECT THE CARGO ABOARD AND THE ISSUE CANNOT BE
MUTUALLY RESOLVED, THEY SHOULD BE AFFORDED THE
OPPORTUNITY TO REVIEW AND INSPECT THE MANIFESTS.
IF THIS DOES NOT SATISFY THE ICCS OR TPJMC, THEN,

AS A LAST RESORT, THE CARGO WILL BE OFFLOADED
RATHER THAN HAVE THE INSPECTION TAKE PLACE ON
THE VESSEL OR AIRCRAFT.

E. IN PERMITTING INSPECTION OF ARMAMENTS, MUNITIONS,
OF WAR MATERIEL, DUE CAUTION WILL BE
EXERCISED TO PRECLUDE COMPROMISE OF SECURITY
INFORMATION. MEMBERS OF THE TPJMC OR THE ICCS
WILL NOT BE PERMITTED TO PHOTOGRAPH, SKETCH, OR
MAKE DETAILED EXAMINATION OF ANY ARTICLE BEYOND
THAT WHICH IS REASONABLE FOR ACCOUNTING PURPOSES.
CLASSIFIED ITEMS WILL NOT BE EXPOSED IN SUCH A
WAY AS TO PERMIT INSPECTORS TO ASCERTAIN THE
APPEARANCE, WORKINGS, OR PROPERTIES OF THE
ARTICLES INVOLVED.

PART II FOR EMBASSY SAIGON:

3. (U) REQUEST YOU MAKE CLEAR TO THE ICCS AND THE TPJMC
THAT THE U. S. GOVERNMENT WILL DO ALL THAT IS REASONABLE
TO FACILITATE INSPECTION OF CARGO SUBSEQUENT TO OFFLOADING
OR PRIOR TO LOADING.

PART III FOR USDAO SAIGON

4. (U) IN COORDINATION WITH THE AMEMB SAIGON, YOU ARE
AUTHORIZED TO GRANT EXCEPTIONS TO THE POLICY OUTLINED IN
SUBPARAGRAPHS 2 B AND 2 D ONLY IN UNUSUAL CIRCUMSTANCES.
AN IMMEDIATE REPORT OF THE CIRCUMSTANCES, EXCEPTIONS
GRANTED, AND THE REASONS THEREFORE WILL BE SUBMITTED
TO HIGHER AUTHORITY.

PART IV FOR CINCPAC, CNO, AND CSAF

5. (U) REQUEST YOU COMMUNICATE THE ABOVE STATED POLICY
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PAGE 04 STATE 120243

TO APPROPR
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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

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TAGS: MARR, VS
To: CINCPAC
CMC
CSAF
MAC SCOTT AFB
MIL SEALIFT COMD WASHDC
O SAIGON
SAIGON INFO CSA

DOD
JCS
MULTIPLE
Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005